

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THOMAS LAXTON,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

Case No. 09-cv-1286-RSM

ORDER REMANDING CASE

The Court, after careful consideration of the Plaintiff's complaint, the parties' briefs, all papers and exhibits filed in support and opposition thereto, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation with the following changes;

(a) At page 11, the court strikes the entire sentence at lines 15 and 16. That is replaced with the following: The Ninth Circuit has repeatedly asserted that "the mere fact that a plaintiff has carried on certain daily activities . . . does not in any way detract from her credibility as to her overall disability."

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1 (b) At page 13 the Court strikes the sentence beginning at line 14 and ending at
2 line 16.

3 (2) The final decision of the Commissioner is REVERSED and this case is
4 REMANDED to the Social Security Administration for further proceedings consistent with the
5 Report and Recommendation.

6 (3) The Clerk of the Court is directed to send copies of this Order to the parties and
7 to Judge Donohue.

8 DATED this 7 day of July 2010.

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12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE
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